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R. SETH WILLIAMS
District Attorney

April 12, 2016

Honorable Gene E.K. Pratter
United States District Court
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1768

RE: Simpson v. Wetzel, et al.
Civil Action No. 15-4510

Dear Judge Pratter:

After a review, the Commonwealth has determined that it is appropriate to assert a time-bar defense in this case. Respondents have corresponded with Ms. Himebaugh, counsel for petitioner, and propose the following briefing schedule:

- Respondents' Motion to Strike will be due May 26, 2016;¹
- Petitioner's Response will be due 21-days later, on June 16, 2016.

A proposed order is attached.

Respectfully submitted,

/s/ Susan E. Affronti
SUSAN E. AFFRONTI
Chief, Federal Litigation

¹ The undersigned is currently drafting the Appellees Brief in *Wharton v. Vaughn*, capital case currently pending in the Third Circuit, which is due on May 12, 2016. The Court has indicated that no further extensions will be granted. Upon completion of that matter, the undersigned will turn her attention to this case. As a result, she is requesting a date that will provide her with two weeks to review the case law and the details of this case in more depth and file an appropriate motion.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RASHEED SIMPSON : CIVIL ACTION
v. : (CAPITAL CASE)
JOHN WETZEL, et al. : NO. 15-4510

ORDER

AND NOW, this day of , 2016, it is hereby

ORDERED:

1. Respondent shall file its Motion to Strike by May 26, 2016; and
2. Petitioner shall file his Response by June 16, 2016.

BY THE COURT:

Gene E.K. Pratter , J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RASHEED SIMPSON : CIVIL ACTION
v. : (CAPITAL CASE)
JOHN WETZEL, et al. : NO. 15-4510

CERTIFICATE OF SERVICE

I, SUSAN E. AFFRONTI, hereby certify that on April 12, 2016, a copy of the foregoing pleading was served by via the Court's electronic filing system.

/s/ Susan E. Affronti
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